

Appln No. 10/791,716
Amdt. Dated January 9, 2006
Response to Office Action of November 22, 2005

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REMARKS/ARGUMENTS

In response to the Examiner's final Office Action of November 22, 2005 in the present RCE application, the Applicant submits the accompanying Amendment to the claims and the below Remarks.

Claims 1 and 4-6 are currently pending in the present application. In the Amendment:

independent claim 1 is amended to clarify that the position of the floor is adjustable so as to be moved away from the binding member(s) as each subsequent sheet is conveyed to the support structure such that a plurality of bound documents can be formed by repeated operation of the binding member(s) and can be accommodated on the floor. Support for this amendment can be found at page 10, line 26-page 12, line 23 of the present specification; and

claims 4-6 are unchanged.

It is respectfully submitted that the above amendments do not add new matter to, nor any new issues to the prosecution of, the present application.

Regarding Continued 35 U.S.C. 102(b) and 103(a) Rejections

It is respectfully submitted that the subject matter of amended independent claim 1, and claims 4-6 dependent therefrom, is not taught or suggested by Kaneko either taken alone or in combination with Johnson for at least the previously presented and following reasons.

In the Response to Arguments section of the present final Office Action, the Examiner asserts that the art rejections over Kaneko and Johnson were re-raised in the previous Office Action due to the disclosures of Kaneko and Johnson once again reading on the Applicant's amended claims filed in Reply to the previous final Office Action.

Accordingly, independent claim 1 has been further amended to make it clear that in the claimed invention the floor of the support structure is adjustable so as to be moved away from the binding members as each subsequent sheet is conveyed to the support structure, as is specifically described at page 12, lines 20-23 of the present specification.

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As previously discussed by the Applicant in the prosecution of the present application, Kaneko does not teach or suggest such an arrangement, since in Kaneko the pivot assembly 10-12 only tilts the floor of the stacker 8 to discharge each bound book to the tray 9 once a complete book has been pressed/bound (see abstract of Kaneko). That is, the arrangement of Kaneko does not move the floor of the stacker as each sheet is conveyed to the stacker nor enables more than one bound book to be accommodated on the stacker, as is required by amended independent claim 1.

Further, there is no suggestion from the disclosure of Kaneko for one of ordinary skill in the art to modify the arrangement of Kaneko, because the floor of the stacker of Kaneko may only be tilted. That is, if the floor was tilted after each subsequent sheet was conveyed to the stacker, the stacker of Kaneko would not operate as designed since there would be no sheets supported by the stacker from binding.

As previously discussed by the Applicant in the prosecution of the present application, Johnson does not make up for the deficiencies in Kaneko because Johnson merely discloses an apparatus for aligning and sorting sheets of paper.

Thus, the subject matter of amended independent claim 1, and claims 4-6 dependent therefrom, is not taught or suggested by Kaneko or Johnson either taken alone or in combination.

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

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